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PE	Applicati n Numb	r .	10/085,418			
TRANSMITTAI	<u> </u>	Filing Date		02/28/2002		
TRANSMITTAL FORM	i	First Named Invent	tor	OWE et al		
(to be used for all correspondence after initial	*	Group Art Unit		1636		
THE DEBY		Examiner Name		TBA		
Total Number of Pages in This Submission	11	Attorney Docket Nu	mber	5022USCNT		
	ENCLOSURES (check all that apply)					
Fee Transmittal Form Fee Attached Amendment / Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53	nent Papers Application) g(s) ng-related Papers to Convert to a bonal Application of Attorney, Revocation of Correspondence al Disclaimer st for Refund umber of CD(s) ence documents in 1449; Internat	s; pos	After Allowance Communication to Group Appeal Communication to Board of Appeals and Interferences Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s) (please identify below):			
SIGNATURE	OF APPL	ICANT, ATTORNEY,	, OR A	GENT		
Firm or Individual name Michael E. Yates, Registration No. 36,063 Signature Date						
CERTIFICATE OF MAILING						
I hereby certify that this correspondence is being depormail in an envelope addressed to: Commissioner for P	sited with atents, Ale	the United States Posta exandria, VA 22313 on the	l Servic his date	e with sufficient postage as first class January 13, 2004		
Typed or printed name Susan D. Holder						
Signature Susual	Wol		Date	01/13/2004		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

LOWE et al

Appl. No. 10/085,418

Filed: February 28, 2002

For: GENE SILENCING

Art Unit: 1636

Examiner: TBA

Atty Docket: 50223USCNT

Confirmation No.: 8386

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention the attached Forms PTO-1449. Photocopies of these references are enclosed.

Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

In re Application of LOWE Serial No. 10/085,418

Also submitted herewith, is a copy of the International Search Report.

Applicants respectfully point out to the Examiner that the corresponding application has been allowed in Australia, and is currently being opposed. A copy of the patent as allowed (AU 747872) is included as reference AL. The copies of the Notices of Opposition are included as references EJ and EK, and the Statements of Grounds and Particulars are references FT and FU filed on behalf of Benitec Autralia Ltd. and CSIRO, respectively. The references cited in the Statements of Grounds and Particulars are listed on the present 1449.

The corresponding European patent application has also been recently allowed and a copy of the allowed application (EP 0983370B1) is provided as reference AO. To date, no oppositions have been filed. We will inform the Examiner in the future if any oppositions are filed.

Also, the 1449 includes references FR and FS that are electronic mail messages about efforts to duplicate the method.

In accordance with 37 CFR §1.97(b)(3), no fee is believed to be required for consideration of this statement because it is being submitted before the mailing date of a first Office Action on the merits. If a fee is deemed to be required, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 50-1744 of Syngenta Biotechnology Inc.

Respectfully submitted,

Mony Kahefuda

Mary Kakefuda

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Research Triangle Park, NC 27709-2257

Date: January 9, 2004

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

NEORMATION DISCLOSURE CITATION

(se several sheets if necessary)

ATTY. DOCKET NO. 50223USCNT APPLICATION NO. 10/085,418 APPLICANT LOWE FILING DATE: February 28, 2002

Confirmation No. 4860 Group 1636

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
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	AB	5,190,931	3/2/1993	Masayori, Inouye	435/91	435/240.2	3/2/1993
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	NUMBER AU 747872	12/11/1998	AU	C12 15/63	C12 15/82		
AM	AU 20891/97	10/1/1997	AU	C12N 15/53	C12N 15/82		
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BC	WO 92/11375	9/9/1992	WIPO	C12N 15/56	C12N 9/44		

EXAMINER DATE CONSIDERED

^{*}EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.

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WADE	bitz S	DOCUMENT NUMBER	DATE	OFFICE	CLASS	SUBCLASS	TRANSLATION YES NO
	BD	WO 92/11376	9/9/1992	WIPO	C12N 15/56	C12N 9/42	
	BE	WO 92/13070	8/6/1992	WIPO	C12N 15/00	C12N 15/10	
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	ВН	WO 92/21757	12/10/1992	WIPO	A01H 5/00	A01N 65/00	
	ВІ	WO 93/05159	3/18/1993	WIPO	A01H 5/00	C12N 15/53	
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CJ HIV-1 Replication in Human CD4 ⁺ T Lym Human Gene Therapy, Vol. 5 (1994), p.	
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EX	Statement of Ground and Particulars filed by Benitec Australia Ltd. Opposing Australian Patent Application No. 747872, Dated November 22, 2002
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EZ	Sullenger et al, Analysis of trans-Acting Response Decoy RNA-Mediated Inhibition of Human Immunodeficiency Virus Type 1 Transactivation Journal of Virology, Vol. 65, No. 12 (December 1991), pp. 6811-6816
FA	Sullenger et al, Overexpression of TAR Sequences Renders Cells Resistant to Human Immunodeficiency Virus Replication Cell, Vol. 63 (November 2, 1990), pp. 601-608
FB	Sun et al, Resistance to human immunodeficiency virus type 1 infection conferred by transduction of human peripheral blood lymphocytes with ribozyme, antisense, or polymeric trans-activation response element constructs Proceedings of the National Academy of Sciences, USA, Vol. 92 (August 1995), pp. 7272-7276
FC	Sun, et al, Ribozyme-mediated suppression of Moloney murine leukemia virus and human immunodeficiency virus type I replication in permissive cell lines Proceedings of the National Academy of Sciences, USA, Vol. 91 (October 1994), pp. 9715-9719
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FJ	Vaucheret et al, Inhibition of tobacco nitrite reductase activity by expression of antisense RNA The Plant Journal, Vol. 2(4) (1992), pp. 559-569
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FS	Electronic mail memorandum from Greg Budziszewski to Mary Kakefuda: dsRNAi 'Grierson's 5' UTR inverted repeat method; October 4, 2002
FT	Statement of Grounds and Particulars in Opposition to Australian patent application no. 747872 (74442/98) by Benitec Australia Ltd. November 22, 2002.
FU	Statement of Grounds and Particulars in Opposition to Australian patent application no. 747872 (74442/98) by CSIRO. November 25, 2002.

EXAMINER